

Notice of Allowability

Application No.

10/016,242

Examiner

Philip B. Tran

Applicant(s)

YOKONO ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/31/2007.
2. ☒ The allowed claim(s) is/are 27 and 31 (renumbered as 1-2).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/174,769.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/31/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Philip Tran
Philip B. Tran
Primary Examiner
AU 2155

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Basso (Reg. No. 46,541), the undersigned, on February 16, 2007.

3. The application has been amended as follows:

IN THE CLAIMS:

Claims 28-29 and 32-33 have been canceled.

Claims 27 and 31 have been amended.

Claim 27 has been amended as follows:

27. (Currently Amended) A portable storage device used with a downloading apparatus for recording and physically transporting digital data, comprising:

~~an~~ a storage assembly ~~have~~ having a predetermined shape and being adapted to be received by or loaded into the data downloading apparatus of a data downloading system; and

a main recording surface ~~have~~ having at least ~~two~~ four different recording areas including ~~at least~~

a first non-rewritable recording area in which is recorded download identification information for designating information to be downloaded to the **portable** storage device when the **portable** storage device is loaded in the data downloading system, and medium identification information for identifying the **portable** storage device as permitted in the downloading system, and ;

a second rewritable recording area for recording digital data identified by the download information [[.]] ;

a third area of the main recording surface in which information can be recorded as use record information regarding various processing executed by the downloading system when the portable storage device is loaded in the downloading system to which the portable storage device is adapted;

a fourth area of the main recording surface in which information can be recorded as fee record information of fees charged with respect to various processing executed by the downloading system when the portable storage device is loaded in the downloading system to which the portable storage device is adapted;

wherein the digital data is automatically recorded on the portable storage device by the data downloading system when the portable storage device is loaded into the data downloading apparatus and the medium identification information is recognized as being authorized for recording the digital data.

Claim 31 has been amended as follows:

31. (Currently Amended) A method of using a portable storage device in a data downloading system for recording and physically transporting digital data, the method comprising:

recording in a first non-rewritable recording area of the portable storage device download identification information for designating information to be downloaded to the storage device and medium identification information identifying the storage device as permitted in a data downloading apparatus of the data downloading system;

loading in the data downloading apparatus the portable storage device, the portable storage device having a predetermined shape adapted to be received by or loaded into the data downloading apparatus; and

automatically downloading or recording in a second rewritable recording area digital data identified by the download information [[.]] ;

recording in a third area of the portable storage device use record information regarding various processing executed by the data downloading system when the portable storage device is loaded in the data downloading system;

recording in a fourth area fee record information of fees charged with respect to various processing executed by the data downloading system when the portable storage device is loaded in the data downloading system;

wherein the digital data is recorded on the storage device by the data downloading system when the medium identification information is authorized by the data downloading apparatus for recording the digital data.

REASONS FOR ALLOWANCE

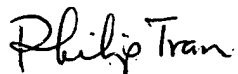
4. Claims 27 and 31 (renumbered as 1-2) are allowable over the prior art of record.

5. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 31 January 2007 with respect to the amended claim limitations and further amended claim limitations in the Examiner's Amendment (see attached) point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip B. Tran
Primary Examiner
Art Unit 2155
February 16, 2007